IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

Civil Writ Petition No.250 of 2001.
Judgment Reserved on: 27.04.2007.
Date of decision: May 3, 2007.

NJPC Employees Association …**Petitioner**

Versus

NJPC Ltd …**Respondent**

Coram

The Hon'ble Mr.Justice Dev Darshan Sud,J.

Whether approved for reporting ?[1]

For the Petitioner: **Mr.Rajnish Maniktala, Advocate.**

For the Respondent: **Mr.Ramakant Sharma, Advocate.**

Dev Darshan Sud,J.

This petition has been filed by the petitioner with a prayer that the amount recovered by the respondents for alleged over payments of salary be refunded to the petitioners and a direction be issued for payment of interest @ 18% per annum.

I have heard learned counsel for the parties and have gone through the record.

I find from the pleadings, which fact is not denied, that one of the grievances which has been made by the petitioners is that the recovery has been effected from their pay and reduction made in the salary in

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[1] ***Whether the reporters of Local Papers may be allowed to see the judgement?***

violation of the principle of natural justice. Other allegation is made in ground (c) of the writ petition.

In the reply which has been filed, a general evasive averment has been made without controverting to the fact as to whether the principle of natural justice in the nature of giving a notice, or an opportunity of being heard etc. having been given to the petitioners. It is by now well settled that any order which has the effect of touching the salary and perquisites of the petitioners, is an order which would be having civil consequences. The law is well settled since the time of ***State of Orissa vs. Dr. (Miss) Binapani Dei and others, AIR 1967 SC 1269*** that the principle of natural justice must be complied with before any order or action is taken which visits an individual with civil consequences.

In the circumstances, this writ petition is disposed of with a direction that the petitioners will make a detailed representation to the respondent herein setting out their case for refund of the amount deducted from their salaries and fixation/grant of new/revised scales. For this purpose, the petitioners may file any supporting material which they wish to do so in support of their case. Such representation shall be filed within a period of eight weeks from today and shall be disposed of by the respondent within a further period of eight weeks thereafter by a reasoned/speaking order. The petitioners shall be heard in person if they so desire. Liberty is reserved to the petitioners to approach this

Court in case adverse order is passed against them. The writ petition is disposed of in these terms. There shall be no order as to costs.

May 3, 2007. **(Dev Darshan Sud)**
(aks) **Judge.**